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6 Attorneys for Defendants
7 BANK OF AMERICA, N.A. (as successor
to Countrywide Bank, FSB), BAC HOME
8 LOANS SERVICING, LP, and
RECONTRUST COMPANY, N.A.
9 (erroneously sued as "Reconstruct Company")

JS-6

10
11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION**

13
14 JOSEPH G. STEWART & NICOLE
STEWART, individuals,

15 Plaintiffs,

16 vs.

17 COUNTRYWIDE BANK, FSB, a
18 California Corporation; BAC HOME
LOANS SERVICING, LP, a Texas entity
19 qualified to do business in California;
20 RECONSTRUCT COMPANY, a
corporation & DOES 1 through 20,

21 Defendants.
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Case No. SACV09-01434 CJC

Honorable Cormac J. Carney

[PROPOSED] JUDGMENT

Bryan Cave LLP
3161 Michelson Drive, Suite 1500
Irvine, California 92612-4414

1 Having reviewed the Court's docket and the papers on file in the above-
2 captioned matter, the Court finds the following:

3 1. On December 8, 2009, Plaintiffs Joseph G. Stewart and Nicole Stewart
4 (collectively "Plaintiffs") filed the instant action against Defendants Countrywide
5 Bank, FSB, BAC Home Loans Servicing, LP and ReconTrust Company, N.A.
6 (erroneously named in the complaint as "Reconstruct Company") [Document 1].

7 2. On March 16, 2010, Bank of America, N.A., as successor to
8 Countrywide Bank, FSB, BAC Home Loans Servicing, LP, and ReconTrust
9 Company, N.A. ("Defendants") filed a Motion to Dismiss Plaintiffs' Complaint
10 [Document 6].

11 3. On April 7, 2010, Plaintiffs filed a First Amended Complaint.
12 [Document 10].

13 4. On April 19, 2010, the Court denied Defendants' Motion to Dismiss
14 the original Complaint as moot in light of the filing of the First Amended Complaint
15 [Document 12].

16 5. On April 26, 2010, Defendants filed a Motion to Dismiss the First
17 Amended Complaint [Document 13].

18 6. On June 2, 2010, the Court granted Defendants' Motion to Dismiss the
19 First Amended Complaint with 20-days' leave to amend [Document 17].

20 7. On June 18, 2010, Plaintiffs filed a Second Amended Complaint
21 [Document 18].

22 8. On July 12, 2010, Defendants filed a Motion to Dismiss the Second
23 Amended Complaint [Document 19].

24 9. Plaintiffs did not oppose Defendants' Motion to Dismiss the Second
25 Amended Complaint.

26 10. On August 9, 2010, the Court granted Defendants' Motion to Dismiss
27 the Second Amended Complaint in its entirety [Document 23]. The Court granted
28 Plaintiffs 20-days' leave to amend, but indicated to Plaintiffs that they would be

1 well-advised to consider Defendants' arguments if they chose to amend the
2 complaint.

3 11. The time for Plaintiffs to file a Third Amended Complaint expired on
4 August 29, 2010. Plaintiffs have not filed a Third Amended Complaint.

5 Accordingly, for the reasons set forth above, **IT IS ORDERED,**
6 **ADJUDGED AND DECREED** as follows:

7 That Defendants Bank of America, N.A. (as successor to Countrywide Bank,
8 FSB), BAC Home Loans Servicing, LP, and ReconTrust Company, N.A., have
9 judgment against Plaintiffs Joseph G. Stewart and Nicole Stewart on all claims, that
10 Plaintiffs take nothing by virtue of their complaint, and that this action is hereby
11 dismissed, with prejudice.

12
13 DATED: September 8, 2010



HON. CORMAC J. CARNEY
District Court Judge
United States District Court
Central District of California